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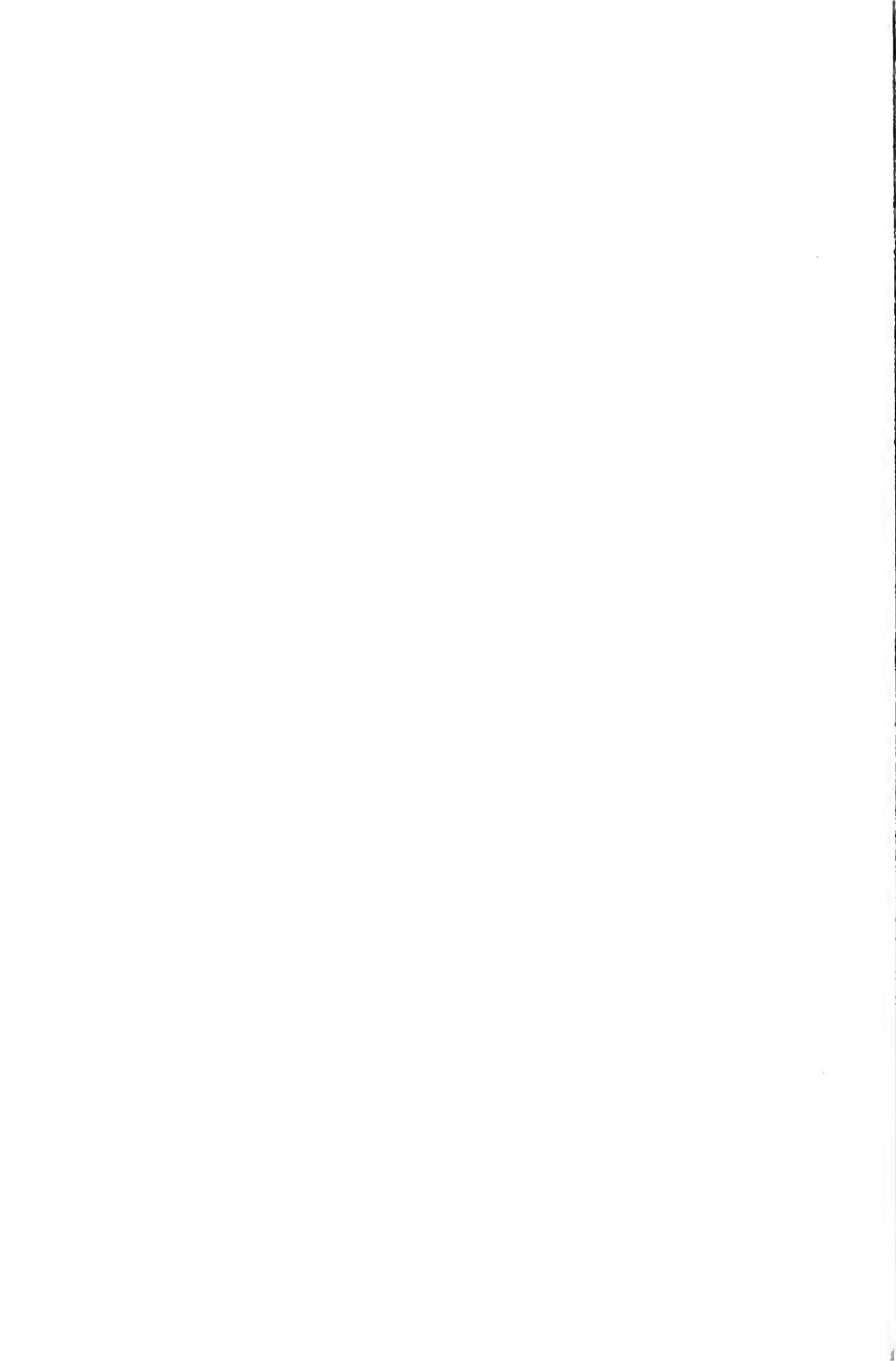


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150 - S O M E
REASONS

Offered by the

Late Ministry

In DEFENCE of their

Adminiftration.



L O N D O N :

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Some Reasons

Offered by the

Late Ministry, &c.



It will easily be granted me, that the People of this Island are, at this Time, very much out of Temper: The Divisions and Parties among them are work'd up into such a Fermentation, as the like has not been known since the unnatural Wars, which raged in the Bowels of the Kingdom, and overturned the very Foundations of the Constitution; what the End of these Breaches will be, none yet knows.

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Were

Were Men enclined to the least Moderation, or were their Animosities carry'd on with any regard to Justice, one would wait a while in Expectation that, by keeping within the ordinary Bounds of Government, they would revolve into Peace, and, reconciling the Parties together, they would at last see their mutual Mistakes, and sit down by the Damage they had done one another. Let *By-gons* be *By-gons*, as is the Saying in the North, and agree at least so far as to keep the Peace; and had there been any Hope of this, no Man, that had any regard to the Good of his Country, would be backward to set his Hand to it, much less would be instrumental to hinder it.

But it is in vain to throw Water upon this Fire; every thing that is said to pacify, assists the Ferment, and provokes farther, though it be said with the greatest Sincerity, Indifference, or disinterested Honesty in the World; neither is it any more to the Purpose, to enquire from whence this Fury proceeds, and by what Degrees of Rage Men arrive to a Spirit truly implacable; 'tis enough that the Fact is too true; We find it, by sad Experience; there

there is no disputing the Truth of it, any more than there is disputing the Justice of it, with the Parties: The Temper is gone beyond the Bounds of Reasoning Influence; the Parties are so far from being in speaking Terms with one another, that they are not in speaking Terms with any, who offers to interpose in the Quarrel.

While this is the Case, I see nothing, in the ordinary Course of Argument, is capable of doing any Good. But to carry on the Allusion above, of a Fire which has gotten to so great a Head, that throwing Water on it, instead of quenching it, rather makes it rage the more; I say, to carry on the Allusion, as what the late dreadful Occasion of the Fire near the *Custom-House* will help to make familiar to us, when the Flame gets such a Head as to condemn the ordinary Means, the People apply themselves to the extraordinary, *viz.* blowing up Houses from the Foundations, &c.

This is something of the Design of this Book, only wishing the Engineer better Luck than it is said one had in the Fire aforesaid, who went to blow up a House to stop the Fire, and
blew

blew up himself with it. However, the Service being necessary, this must be put to the Venture. I shall endeavour to give no Offence to any, and shall hope, while they are so eager in calling for Justice on others, they will not do Injustice to the Person who endeavours to shew them the Way to Peace. The Method to bring Men to Reason at this Time, and on this extraordinary Occasion, must, *as is said*, be out of the common Course of things, and must be by *blowing up*, if we can, the Foundations upon which all the Resentment is laid, which occasions this Tumult and Hurry among us.

Let us then enquire coolly what is the Matter, that the good People of *Britain* are thus immoderately angry one with another ; and, to make it intelligible, each Side shall tell his own Tale. The T O R Y says, ‘ He is
 ‘ unjustly shut out from the Favour of
 ‘ his Prince ; deprived of all Opportu-
 ‘ nity of shewing his Affection and
 ‘ Loyalty to his Person or Govern-
 ‘ ment ; condemned as an Enemy to
 ‘ his Succession, tho’ nothing was ever
 ‘ more remote from his Thoughts ;
 ‘ charged

‘ charged with Crimes and Designs,
 ‘ which he is not in the least con-
 ‘ cerned in; *that* he has not a fair
 ‘ Field given him, to shew whether
 ‘ he would be a faithful Subject or no;
 ‘ *that* he has neither Room to rectify
 ‘ any Mistake he has made, or make
 ‘ Amends, by his future Zeal, for any
 ‘ thing past; *that* if a Man be re-
 ‘ proach’d in the Army for failing in
 ‘ his Duty, Want of Courage, Conduct,
 ‘ or Fidelity; yet he is never deny’d
 ‘ an Occasion to wipe out the Stain,
 ‘ by some future Act of Gallantry and
 ‘ Bravery; *but that* here he is con-
 ‘ demned as a Traytor, without either
 ‘ Leave to vindicate his past Conduct,
 ‘ or restore the Honour of his Cha-
 ‘ racter, by a future, steady, faithful
 ‘ Adhering to his Prince, and to the
 ‘ Interest of his Country. They, *the*
 ‘ *Tories*, complain, *that* they are branded
 ‘ with unjust Marks of Infamy by the
 ‘ rude Censures of the Populace; hunted
 ‘ down by a hot Scent and a full Cry;
 ‘ *that* a Torrent of popular and tumultu-
 ‘ ous Insolence is pour’d in upon them
 ‘ from the Press, the Pulpit, and the
 ‘ Incendiaries of their Enemies Party;
 ‘ that they are mark’d out for the
 ‘ Fury

‘ Fury of the Rabble, and set aside as
 ‘ *Victims* to be sacrificed to the Re-
 ‘ sentments of the People, as soon as
 ‘ by the Helps of such Methods as
 ‘ their Enemies take, those Resent-
 ‘ ments may be ripen’d up to a Pitch
 ‘ fit for Mischief; *they alledge*, that no
 ‘ wise Government ever thought it
 ‘ their Duty to make their Subjects
 ‘ despair; *neither that* it was thought
 ‘ Prudence to put any one out of the
 ‘ Power of meriting, by a dutiful and
 ‘ quiet Behaviour; whereas now
 ‘ they see no Room to be Loyal, no
 ‘ Admittance, whatever *they would be*,
 ‘ because of what it is suppos’d, and
 ‘ *that wrongfully too, they have been*; that
 ‘ every Avenue to the Prince’s Favour
 ‘ is shut up; they are represented as
 ‘ Enemies in the gross, and can see no
 ‘ Remedy, but that they must suffer
 ‘ under the Scandal, although they
 ‘ have not failed to give all the De-
 ‘ monstrations of Fidelity and Affe-
 ‘ ction, that they have been permitted
 ‘ to shew; and have no Misfortune
 ‘ but this, that although they are
 ‘ more disinterestedly Loyal to the
 ‘ Royal Family, and to its Succession
 ‘ to the Crown, than those who op-
 ‘ pose

' pose them; *yet that* those have the
 ' Occasion of being accepted, believ'd,
 ' employ'd, trusted, and all Opportu-
 ' nities given them to prove themselves
 ' in the Royal Interest; while just the
 ' Reverse is the Case of the *Tories*, who
 ' suffer under the Slander, all Oppor-
 ' tunities being diligently taken from
 ' them to prove themselves innocent,
 ' and to make the wrong done them
 ' to appear.

The Tory goes on, and says, 'Tis the
 ' most provoking thing in the World,
 ' that they come now into no Com-
 ' pany but they are treated as Crimi-
 ' nals, as Traytors, as Men that owe
 ' their Lives to the publick Clemency,
 ' and are threatned frequently with
 ' being brought up before the next
 ' Parliament as such; *that* they are
 ' told, they are not fit to live; *that*
 ' Justice shall be done upon them e're
 ' it be long; whether they mean the
 ' Justice of a legal Prosecution, or that
 ' Street Justice, which has been the
 ' Fate of many innocent Men in the
 ' World, they know not, neither do
 ' they always explain themselves when
 ' they speak of those things; they add,
 ' *that* if they enter but into a modest

‘ Vindication of themselves, and men-
 ‘ tion the late Measures with the least
 ‘ Offer to defend them, they have no-
 ‘ thing but Axes and Halts talk’d of;
 ‘ and the bringing every Man to the
 ‘ Block, &c. that had a Hand in them,
 ‘ is the mildest of their Discourse;
 ‘ *that they have it openly propos’d in*
 ‘ *publick Prints, that the Tories have*
 ‘ *nothing left them, but to dispose of*
 ‘ *their Estates, and remove with their*
 ‘ *Persons, Families, and Effects, into some*
 ‘ *foreign Country, &c.* intimating, that
 ‘ they shall not be permitted to enjoy
 ‘ the Benefit of the free Air of their
 ‘ native Country, as not being esteem-
 ‘ ed worthy the Privileges of *Englilh-*
 ‘ *men or Britains*; because they, who
 ‘ were in Power, did not please the
 ‘ *Whigs* in their Administration; they
 ‘ alledge, that they are not treated fair-
 ‘ ly or honourably, in that not only
 ‘ Justice is talk’d of, which they have
 ‘ not the least Fear of; but that the
 ‘ Clamour is such against them, and
 ‘ push’d on so artfully by their Ene-
 ‘ mies, as that Justice seems to be
 ‘ design’d to be forc’d and aw’d a-
 ‘ gainst them; and that they are to
 ‘ be

‘ be fallen upon, for Fear of displeasing the Mob.

They make Complaint of divers illegal and unprecedented Steps taken by their Enemies, in order to provoke the People to be tumultuous and uneasy, in such a Manner as evidently shews, that it is their Blood, and not an exact, strict, and legal Enquiry, that their Enemies push at; declaring, ‘ That they desire no more than that ‘ Justice may impartially be executed; ‘ that they shun no legal Prosecution; ‘ that it is a Testimony undeniable, ‘ that their Opposers are afraid the Parliament should proceed by an un- ‘ byass’d, impartial Inquisition, and ‘ jealous that, on a fair Trial, they shall ‘ be cleared of the Charge; otherwise ‘ they would not take these extrajudicial Steps to try if they can make ‘ by Clamour, mob the Parliament ‘ into it, and as it were force the ‘ P——s to find them guilty, for ‘ Fear of the Fury of the People.

These are some of the Complaints which that Side make; and seeing the Opposers are for Appeals to the People, and the Cause must, of Necessity, be thus try’d without Doors; I shall

examine, as nigh as I can, how far either Side seems to make good what they alledge, that we may judge a little what is likely to be the Issue of all these things.

To this End, I add here what the *Whigs* say on their Part; seeing, to do Justice, both Sides ought to be calmly heard, and fully, patiently, and freely suffered to make the best of their Cause.

The *Whigs*, on the other Hand, are warm in the affirmative of the Charge; *they say*: ‘ The Nation has been *betray’d*; the Allies abandon’d; ‘ a treacherous Peace made; the vi- ‘ ctorious Arms of the Confederates ‘ check’d; Victory ravish’d from ‘ them; *Spain* and the *Indies*, which ‘ they fought for, given over; the *Ca-* ‘ *talans* drawn in, and then dishonour- ‘ ably left in the Lurch; the Allies ‘ bully’d and hector’d into Compli- ‘ ances; the Trade sold to the *French*; ‘ the Army drawn away, and the Al- ‘ lies expos’d to have been ruin’d; a ‘ secret Correspondence with the *Pre-* ‘ *tender* carry’d on, to the Prejudice of ‘ the Royal Family of *Hanover*, &c. ‘ that such things must not pass un- ‘ punish’d;

‘ punish’d ; *that* if Justice be not done
 ‘ on evil Ministers, there will be no
 ‘ End of Oppression ; that there is no
 ‘ restoring our Reputation abroad, or
 ‘ giving Satisfaction to our Allies, if
 ‘ the Men who did these things are
 ‘ not punish’d. *They add, that* the Ju-
 ‘ stice of the Nation demands these
 ‘ Men should answer with their Heads
 ‘ for abusing the Country, wasting the
 ‘ Treasure, concerting with the de-
 ‘ clar’d Enemies of the Kingdom, and
 ‘ joining with trayterous *Jacobites*,
 ‘ to overthrow the Protestant Settle-
 ‘ ment at Home, and let in a foreign
 ‘ Power from abroad.

Though this Part is contain’d in
 few Words, yet it takes in all the ca-
 pital Charge which the *Whigs* bring
 against the late Ministry, for which,
 they are told, they must be brought to
 Justice. There are indeed particular
 things which they insist upon, and
 which they say likewise, are criminal ;
viz. ‘ *That* they dispossefs’d an upright
 ‘ Ministry ; advised the Queen to dis-
 ‘ solve the best of Parliaments ; impos-
 ‘ ed upon Her Majesty destructive
 ‘ Schemes ; led Her to unprecedented
 ‘ Stretching of Her Prerogative, in
 ‘ par-

‘ pardoning *Sacheverell’s* Rioters ; mak-
 ‘ ing Troops of Lords ; entring upon
 ‘ Negotiations contrary to publick En-
 ‘ gagement ; breaking Her Royal
 ‘ W—d, *and the like ; that* they are ac-
 ‘ countable in Parliament for all these
 ‘ things, and ought to be brought to
 ‘ Justice, as well for advising a separate
 ‘ Treaty, as for making it ; *that* they
 ‘ heaped Injuries and Indignities upon
 ‘ Her Majesty’s best Servants ; pub-
 ‘ lish’d reproachful Libels against our
 ‘ Allies ; offered Indignities to Am-
 ‘ bassadors, contrary to the Law of
 ‘ Nations ; took the Army out of the
 ‘ Hands of those, who had raised the
 ‘ Nation to the highest Pitch of Glo-
 ‘ ry, and put it into the Hands of
 ‘ such, as the Nation had no Love for,
 ‘ or the Allies any Confidence in ; *that*
 ‘ they sunk our Credit, spoil’d our
 ‘ Trade, spent our Money, and run
 ‘ us yearly into Debt, though the War
 ‘ was at an End. ’ If there is any thing
 in the Pamphlets of the Party, which
 is not contained in this Collection, I
 desire it may be suppos’d, and shall as
 effectually notice it in the following
 Discourse, as if it had been at large
 expressed.

Before

Before any Enquiry is made into the Matters on either Side, this is humbly offered as the more immediate, and most necessary thing now to be spoken to in behalf of one Side, *viz.* That although every Jot of this were true ; yet that the Method taken now by the common People, is contrary to all the Rules of Justice, Equity, Conscience, and Honour ; seeing no Man is to be try'd but by his Peers, nor to be convicted but by Evidence ; whereas this raising popular Clamours against Men, and as it were prompting the Parliament, is not only injurious to the Parliament it self, as if they would not do Justice without it, or that they would be byass'd and aw'd by it into condemning Men, whether guilty or no ; but is highly scandalous to the publick Justice, and injurious to the Persons who are accused, representing them as unpopular, as Men obnoxious, and whom it will be scandalous not to condemn ; representing them as Men that must be sacrificed to appease the People ; and that it is necessary to put them to Death, whether guilty or not.

We

We are not without Precedents in History of Cafes like this, wherein the Clamours of the People have been raised up to fatal Heights, by the Arts of bloody and cruel Men ; and the Commons have been provoked to Sedition and Tumult, on the Supposition of publick Injury being done by such and such Persons, pointed out to them by the Authors of those Tumults ; which Persons have suffered unjustly, and innocent Blood has been brought upon the Nation, by the same Methods which are now taken in the Case before us ; for Tumults once raised, seldom end but in Violence and Blood.

Nor is it criminal to say, that even Parliaments themselves have been hurry'd, by these popular and tumultuous Methods, to do things whereof they have been ashamed ; and have acknowledged the same, by making an Order, that it should be raz'd out of their Journals, and should not be drawn into Precedent for any future House to be directed by ; which should for ever, if I mistake not, warn not Parliaments only against being precipitated or byass'd, in Matters of Justice,

stice, by Tumults of the People; but should also warn honest Men from making Attempts on the Publick, to hurry them upon the fatal Offence of shedding innocent Blood.

The Consequences of those Rabblings and tumultuous Calling for Justice in those Days, are too well known; and that three Victims were offered upon the Altar of popular Rage, which to this Day the whole Kingdom laments over, and earnestly wisheth it had not been done: Those were the Earl of *Strafford*, the greatest and gallantest *Englishman* of that Age; the Archbishop of *Canterbury*, and King *Charles I.*

One would think those Examples, which none can approve, and few will attempt to defend, might warn the People of this Kingdom, against admitting Justice to be influenced from the common People, by singling out Men for Impeachment, calling for Justice; that is to say, for Revenge, by the Mouth of the Mob.

If these Men are guilty, *fiat Justitia*, none can hinder the publick Justice from taking its Course; and those who are busy at this Time, raising Clamours and Rabbles to push Justice

beyond its Bouds, and to drive the Law faster than it ought to go, should be better employ'd in forming sufficient Evidence to make good the Charge against them, in order to bring it in a legal Way of Prosecution; or let them prove, if they can, what Part of Justice is it they are now acting? What Tendency has this Method to legal Trials? Indeed none but what they will be ashamed to mention: It can be no Help to Evidence; it rather seems to be a Method taken to supply the Want of Evidence; and if so, it is such a Method as honest Men will tremble at, and all Men ought to blush for.

Let not such Men flatter themselves, or the People, with saying, that Governments cannot be influenc'd to do wrong; we hope the present Government will not; but has there not been a Time when publick Justice has been influenc'd? as in the Case of the Earl of *Stratford* beforementioned; consenting to whose Death, King *Charles I.* never forbore mourning for, no not at his own: It is not the Question, whether the present Government will, or can, be influenced; the Attempt to do
it

it is Criminal: And it is the Question, whether we ought to try if they may be so influenc'd or not? Suppose, for the Purpose, that we are satisfy'd *such* or *such* a Witness against a Criminal will not be brib'd to withhold his Evidence, or will not be suborn'd to bear false Witness; or that the Judge will not be byass'd, by any Method that may be taken, to give a false Judgment, or pass an unjust Sentence; it is not, however, the less criminal in those who tamper with them, in order to bribe, suborn, byass, or corrupt the said Witnesses, Judges, &c.

Likewise we find some say; That if the Man is innocent, they do him no Wrong; he will be acquitted, and come off with Honour; his Reputation will be clear'd up, and he will be the better for the Justice done him. This wicked Way of arguing shews the worst of Malice; is it then no Injury to render an innocent Man suspected? It is some Scandal to say, a Man has done enough to merit being put in Hazard of Life, and brought upon his Trial; and therefore Grand-Juries were appointed first to judge, whether there appears sufficient Ground to put

^a Man to the Trial ; if not, they bring in the Bill, *Ignoramus* ; which is, in the Effect, rejecting it : This sufficiently acknowledges, that as a Man ought not to be condemned without Guilt, or calumniated without Cause ; so neither ought he to be put upon a Trial for his Life, if there appears not sufficient Ground of Guilt, and sufficient Evidence of Fact, to make the stageing him necessary and reasonable : It is not sufficient to say, that if he is innocent, he will be acquitted : Suppose a Man were to ride through a Town, compleatly arm'd *Cap a Pe*, with Armour of Proof ; is it lawful to fire a Musquet at him, and say, we are sure he cannot be wounded ? It is no more lawful falsely to accuse, than it is lawful wrongfully to condemn ; and either of them are a Degree of Murder, if the Case be Capital.

I never find any People oppress'd with Clamour, but even, whether guilty or not, they suffer Injury by the publick Censure ; if they are not guilty, doubtless their Injury is greatest ; but if they are really guilty, even that Guilt is unjustly aggravated upon them,

them, and they are represented to the World ten-fold worse than they are.

In the next Place, the Injury to Justice it self, and to the Constitution of the Government which we live in, is great ; it is not perhaps irreparable, as it is to the Person accused ; but it is scandalous to the Government in its Practice, and more so in its being conniv'd at : It is an Injury to Justice ; for it is trying and condemning, *brevi Manu*, without Form or Process ; which, as it is contrary to the Rules of Justice, so it overthrows the very Nature of Justice it self ; because it condemns without a Hearing, not giving the Person accus'd Liberty to answer for himself ; it blasts with the Breath of Man ; whereas Justice, and a legal Prosecution, is the Sentence of Heaven it self : He that falls under publick Calumny, is condemned, and not convicted ; is silenced, but not heard ; and, I may say, he is executed, but not put to Death ; for Slander, and universal Censure, is the worst Sort of hanging Men in Effigy.

It is a deplorable thing to see, how far this is the present Practice in this Kingdom ; and what Numbers of innocent,

nocent, inoffensive People have suffered, and continue to suffer, under this Injustice ; of which the Memory of the Queen is one of the greatest Instances, who, in her Grave, is treated with such Contempt, as if She had been the greatest Enemy this Nation ever had; as if She had design'd to betray the Constitution; give us up to *Papery* and the *Pretender* ; things which Her Majesty abhorred, and of which not a Man is, or can be produc'd, who can offer the least Proof: But I shall return to this again.

Having said, that this is unjust; that thus condemning Men without Doors, is injurious; I must add, that it would be so, tho' the Persons were as criminal as they are suppos'd to be: Here it may not be amiss to say, that it is unjust to the Constitution; for it is taking away the fundamental Privilege of an *Englishman*, who demands, by Law, the Privilege of not being condemned without a legal Trial. The great Statute, call'd *Magna Charta*, is the Fundamental of an *Englishman's* Liberty; and as it was purchas'd with the Blood of the People of *England*, our Ancestors, we have an indefeasible

feasible Title to every Clause therein: And this now speaking of, will be found to be one of the principal Articles of this *Charter*, in these Words: No Freeman shall be taken and Imprisoned; nor we will not pass upon him nor condemn him, but by Lawful Judgment of his Peers, or by the Law of the Land, *Magna Charta*, Cap. XXIX. and the Title of this Chapter is, that *None shall be condemned without Trial*. If the King cannot condemn a Subject without a legal Trial, neither may any else do it; less may it be lawful for the Subjects to condemn one another, till the Person accused have a fair and a legal Trial: Now this publishing Men to be guilty by Pamphlets, injurious, scurrilous Libels, publick Prints, &c. which are all Appeals to the Rabble, against the Persons mentioned, as being Criminals, I say, is one of the worst Kinds of condemning without a Trial, and it may be questioned, whether ever Men so publickly insulted, can have a fair Trial afterward; it were to be wished, Men would consider what they do in such a Case; and whether, while they talk of Liberty, and the

Pri-

Privilege of *Englishmen*, they are not, *ipso facto*, taking away the *English* Liberties in the worst Manner imaginable.

When Men are publickly calumniated, the Charge against them made popular, and the Commons have once received an universal Prejudice in their Disfavour, where shall a Jury be found, who can be said to pass fairly upon them? For, as the Jury must be chosen out of the Commons for a Commoner, and the Peers for a Peer; if these are prepossessed, by any popular Mistake, in Prejudice of the Person, how can it be said, that he is fairly tried by the Laws of this Land? Every Person brought upon his Trial for Life and Death, as we style it, is allowed to challenge a certain Number of those who are summoned on his Jury peremptorily, without shewing any Cause; but if he can shew sufficient, legal Objections, he may challenge as many more as he can bring such legal Objections against.

It is allowed to be a legal Objection against any Man, and shall barr his being admitted on the Jury, if he has declared himself to be an Enemy to
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the accused ; if he has declar'd beforehand, that he would find him guilty, or that he believ'd he deserv'd to die, or any such Way own'd himself personally prejudic'd against the Man who is to be try'd ; let this be brought home to the Case, here is a manifest Attempt to prejudice the whole Body of the People of *England* against certain Persons, as against Criminals, who ought to be put to Death ; if the Design took Effect, the Persons cannot be try'd according to Law ; for no Jury would be empannell'd, against every one of whom they might not lawfully except, challenging them as having declar'd personal Enmity against the Man who they were to try ; which Enmity unqualifies them, by the Laws of this Land, to be of the Jury in that Man's Trial ; so that, I say, this Way of publickly condemning Men without Doors, is not only injurious to the Person accused, but is destructive of our Constitution, overthrowes the Law, and destroys the Liberty of the People of *Britain*.

If this will not move the People to forbear this unjust Treatment of those they hate, to what other Motive shall
D they

they have Recourse? The Complaint made here, is not against the Government, the present Ministry, or the publick Justice; neither shall they have any Reason to be offended; but the Injustice complain'd of by these Discourses, is that which is done in the Streets in publick, in lewd Pamphlets, Libels, &c. and in fiery Discourses, Sermons, &c. *things which no Government can approve of*; they do their utmost Endeavour to stir up and inflame the whole Kingdom against the late Queen's Servants, for acting in the Administration in a Manner unpleasing to a Party; which acting, were it more criminal than even they can suppose it to be; yet is not this Proceeding justifiable, either by the Laws of Heaven, or of this Kingdom; and this Injustice, we are told, they think they have Cause to represent in Publick, that all indifferent Men may judge of the Treatment they receive. Let us see if it be not dishonourable to the Government it self; if the Government is upright, if *the King's Torone is established in Righteousness*, if the Statutes have their free Course, and the greatest as well as the least

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enjoy the Protection of the Law; what then means this Way of Proceeding? (1.) Does not the Government suffer, as it were, the Sword of Justice to be taken from them; and the Work to be put out of their Hands, reserving only to themselves the Power of being little better than the Peoples Executioners? What Government but this, would bear to have insolent Pamphleteers tell them in Print: *My Lords, We know such or such Men to be guilty, and we EXPECT you provide us their Heads?* If they had been condemned, after a fair Trial, upon Parliamentary Impeachment, they might, with more Justice, have said; *Such and such Men have been fairly try'd, and are convicted of Treason, and we expect they should be executed according to Law;* seeing by the Statute of 13 William III. Cap. 2. it is provided, that *No Pardon under the Great Seal of England, be Pleadable to an Impeachment by the Commons in Parliament:* This had been speaking in the Language of the Laws of the Land: But for Subjects to say to the King; *We expect such Mens Heads, or such Mens Impeachments;* for *WE* say, they *ARE GUILTY*;

this is a down-right Insurrection upon Justice, taking the Sword of the Law out of the Hands of the legal Authority, and making their Princes little more than the HANG MEN of the People; obliging them to put to Death whoever Tumult and popular Malice give Sentence upon: *It is true*, it may be said, that the People condemn not, *in so far as that* they do not put their Condemnation in Execution; but it is answer'd, that thus to condemn, is to make the Execution *sure as Checque*; for if a Government is capable of being aw'd into passing Sentence, neither will they dare to defer the Execution, when the same Power commands or says, WE EXPECT IT, which is the same Effect. (2.) What needs all this Reproach upon the Justice of the Government, if they were not afraid that the Government would not do Justice? If they believed the Administration true to the Interest of their Country, why is all this Clamour rais'd? It is the strongest Satyr that could be made upon the King, and upon the Ministry; sure they are very different in the Regard that they think

think the Ministry may have to Justice; that they think these extrajudicial Ways needful to work them up to it; why must the Government be told by every Hot-spur, that *the People EXPECT Justice*, if there was no Room to question, whether they would do Justice or *not*? There can be no greater Satyr upon the Government, than that to demand Justice, as it were, *L'espée en la Main*, Sword in Hand, and to threaten them with the Resentment of the People, if it be not done. There is no need to dun good Pay-masters; current Merchants, who pay their Bills at Sight, need not be threatned; no Man says, *Sir, I EXPECT you will not fail to pay me at the Day*, unless there is some Ground to fear, or Room to suspect, that he will not make a punctual Payment; none but Bankrupts are arrested before their Money is due, by Way of Security; in a Word, this Language to a Minister of State, is as plain as the *English* Idiom will admit of speaking, that we fear you will not do us Justice; and therefore a late foolish Author, who is very well called, *a young Squire*, who publish'd a

Letter

Letter to my Lord H———x, could not have more insulted that noble Lord, however unjustly he did it; strongly implying, that he thought his Lordship false to the Trust repos'd in him, and not likely to do his Duty: It is not more or less than a clear Suggestion, that we fear the Ministry, *as perhaps former Ministries have done*, will regard, principally, their private Advancement and Interest, and satisfying themselves with having gotten into warm Posts, and having turn'd those out who they desir'd to be rid of, will think no more of doing their Country Justice; but give a Testimony to the World, that it was not the publick Grievance which they struggled to redress, so much as the private Advantage of getting into Places of Profit and Trust, which they sought; which having obtain'd, they will be willing enough to look no farther, but to be quiet, and let the publick Justice sleep in their Hands.

It is evident, here is a Wrong done many Ways; (1.) *To the Persons*, accusing them wrongfully; (2.) *To the People*, by their being impos'd upon; (3.) *To the Government*, suspecting them
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of Sincerity ; (4.) *To the Lams*, inverting their Executions ; and (5.) *To the Constitution*, robbing the Kingdom of the Privileges which belong to it as a Nation. All this is the Effect of the new Method now practis'd in this Kingdom, whereby innocent Men are branded with Infamy ; because they have not better Means to condemn them : The People are first animated against them, and brought up to a blind Rage, in which they would doom their King, their Father, or any other, to Death, without Form of Law ; and this is made use of to influence the Persons in whose Hands Justice is deposited in Trust, that, whether guilty or not, the Person accused may suffer ; charging them without Guilt, trying them without Juries, passing Sentence without Hearing, and executing them without Law.

Besides all this, it is a plain Indication that there are not Crimes enough in the Charge to find the accus'd Persons guilty, in the ordinary Course of Justice ; and really if there was not something more in this Part imply'd, than is express'd, I can see nothing in all this Noise ; if there is nothing conceal'd, I say then, I can see no Policy in it ; and
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if there is, I see no Honesty in it; and be it which Way it will, it is *extra-prudential*, as well as *extra-judical*; if they were sure of their Blow, why all this Popularity need fall? In the Sieges and Attacks of Towns, the surer the Besiegers are of their Mines, and of an effectual Blow when they come to spring, the more Care is taken to prevent the least Knowledge of the Place where they are carry'd on; a profound Silence is kept about the Particulars, as when, how, and where the Mine is to spring, and the Attack to be made; hereby there appears an extraordinary Diffidence in the Substance, that so many Shadows are summoned to help to make it up; what need of bringing in the Rabbles, and the Cries of the Mob, to drive Justice, if it were likely to go without those Whips and Spurs of the People? *On the other Hand*, if this be the Case at Bottom, it must be allow'd to be a *foul Case*; none can plead against a Demand of Justice; every Friend to the Constitution desires it, and, if concern'd, submits to it; but the pushing Justice, by Clamour, without Doors; the condemning Men in the Streets, by Pamphlets and Satyrs; and the threatening
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the Government into Measures, by telling them, the People EXPECT this or that from them; this is a new, and, I think, an unjustifiable Way of doing Justice, though the Persons were the worst Criminals; and therefore, though it is not the Business of this Discourse to defend the Cause here, any more than it is theirs to condemn unheard; yet this leads of Course to examine, what the Persons accus'd say for themselves in it.

Having thus expos'd the popular Rage of the Times, and shewn how absurd, how unjust, and how inconsistent with the publick Liberties this Matter is, it seems but reasonable to enquire into the Substance of the Charge; and there to see what it is these Men, who we call the *last Ministry*, have done to bring this Usage upon them; what they are guilty of; what criminal Things can be laid to their Charge; and how they defend themselves against them: In doing this, the Writer of these Sheets shall say nothing of his own; but set down precisely what he hears that these accus'd Persons say in their own Defence, without making any Observations thereon; so that he may not thereby wrong

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them, by supposing, that this is all they have to say, or affirm any thing in their Behalf, which they do not advance for themselves.

The making the Peace is the first and most capital Charge among all that we meet with, in the clamorous Writings against the late Ministry; and for which their Heads are EXPECTED, as Authors express it.

To this, we are told, *that they reply*, That *France* first made Overtures to Her Majesty for a Treaty; *that they deny* the slanderous Part, and challenge their Enemies to prove the least Tittle of it, *viz.* that *they solicited it from France*, or received any private Advantages to introduce it; *that if Bribery or Corruption be found in their Hands, they desire to be purg'd in the strictest Manner; that to say, they begged a Peace, or bought a Peace, or were bribed to give a Peace; this, they say, is Slander and Malice; and that it ought to be proved, or not to be spoken; and they ought to have Justice done in their Behalf, against those who affirm and publish these things, and are not able to bring legal Proof thereof; neither, say they, ought such things to be published upon*

upon them among the People, to raise Mobs upon them, and prepossess the Nation, unless they had legal Proof, and before they had been legally convicted thereof; seeing by *Magna Charta*, as aforesaid, no Man is to be *condemned without a legal Tryal by his Peers*, Mag. Chart. cap. XXIX.

They alledge, That although none of the Confederates were to treat with *France* without the rest of their Allies; yet that it was not unlawful to any of the Confederates to *hear Proposals*, or *receive Overtures* from *France* towards a Treaty, in order to communicate them to the Allies; if otherwise, then, *they say*, the War had been eternal, and all Means of a Treaty of Peace had been destroy'd; which would be both unjust and inhumane.

They say, that as the Overtures of Peace were made by *France* to *Her Majesty* at that Time; so had they been made to *Holland* before the Treaty of *Ghertrudenburg*, and at another Time to the Duke of *Savoy*; that the Queen took no other Steps than the *Dutch* and the Duke of *Savoy* did, in the like Case, *viz.* to communicate them immediately to Her Allies; and *they deny*, that they

entred into any private or separate Treaty with *France*, before the said Overtures were made Publick, and communicated to the Allies, *as aforesaid*; and say in this Case, *as before*, that it ought not to be charged upon them, unless there was Evidence thereof; which they likewise challenge their Accusers to produce.

They say, that when France first made Overtures of Peace to Her Majesty, the Answer given them here, was to this Effect, and no other, viz. That Her Majesty would hear what they had to offer; and that if they thought fit to put it into Writing, sign'd by such as had sufficient Power to sign the same in the King's Name, the Proposals should be communicated to the Allies; and when the said Allies had given their Answer to the same, it should be given them to transmit to their Master; they say, that possibly they might be told, that they would do well to make such Proposals as they thought the ALLIES would judge a sufficient Ground of a Treaty, and such as would satisfy the Allies of the Sincerity of the King their Master; otherwise no Treaty could be expected; Her Majesty being resolved not to treat without the Concurrence

rence of *Her Allies*, nor to make any Peace, without Satisfaction to the just Demands of all *Her ALLIES*.

That upon this Declaration on the Queen's Part, the *French Agents* drew up *Six Heads* of Proposals for a Treaty, corruptly called afterwards, *Preliminaries*; that the Ministry here neither acted one Way or other in forming the said Proposals; but took them in these Terms; *Her Majesty commands us to ask, if these are the Offers you make?* And when they had answer'd, *YES*; it was reply'd thus; *Her Majesty will communicate them to Her Allies.*

They say, That immediately *Her Majesty* did communicate these Proposals to *Her Allies*; and that no private or separate Convention, Agreement, or Treaty of Agreement whatsoever, was made with the *French* by *Her Majesty*, or any of *Her Servants*, to the Day the said Proposals were made publick.

How the said Proposals were receiv'd, and how the Ministry were treated in publick Prints and Papers here, as well as abroad, *they say*, that as they took no Notice thereof when they had Power to resent, and to punish it, neither do they less condemn it now.

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When the said Proposals were made Publick, and the Allies were to give their Answers to, and Opinion of them; *they say*, it was, doubtless, lawful for Her Majesty *to do the like*; adding, that as some of the Allies were brought, chiefly by Application from hence, to decline a Treaty; so Her Majesty had, in Justice, Liberty to give Her Opinion, viz. that She thought the Proposals of *France* were sufficient, though not for a Peace, yet at least for the Ground of a Treaty; *they say*, that Her Majesty, being earnestly desirous to put an End to the Miseries of *Europe*, and to give Peace to Her People, and seeing a Treaty unreasonably opposed, did publickly declare Her Willingness to have a Treaty begun; and wrote to that Purpose to all Her *Allies*, inviting them to send Plenipotentiaries to *Utrecht* for that Purpose; all which, *they say*, was done openly, avowedly, and without any secret Conjunction with *France* whatsoever, as has been suggested; and all this, *they conceive*, Her Majesty was, by Right and Justice, as to Her *Allies*; and by Her unquestioned Prerogative, as to Her own People, lawfully empowered to do; and consequently, *they say*, any
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of Her Subjects and Servants might lawfully execute Her Majesty's Orders therein.

The Treaty being commenc'd, *they alledge*, that Her Majesty plainly perceived, that some of Her Allies seem'd to act with less Sincerity than was expected; and that it was discovered, that Measures were concerted for the destroying the Treaty, rather than the making a Peace; and it being, *First*, Her Majesty's Resolution to bring the said War to an End, if safe and honourable Conditions could be obtained; and, *Secondly*, Her Opinion that She was not candidly used, in the Management of the said Treaty, *by some of Her Allies*; and the *French*, at the same Time, offering to give such a Pledge of his sincere Desire to make a Peace, upon Terms safe and honourable to all the Allies, as could not be reasonably deny'd to be sufficient, *viz.* by putting *Dunkirk* into Her Majesty's Hands; an Advantage which, had it been gained by Arms, at the Expence of much Blood and Treasure, would have been esteem'd equal to the most glorious Campaign: Upon these Considerations, *they say*, that Her Majesty found Her self oblig'd to act more separately than

than otherwise She had proposed to do; and after having in vain endeavoured to perswade *SOME* of the Allies to be in earnest for a Peace, to let them know She was so Her self, and by making a Cessation of Arms with *France* for two Months, to disappoint the Designs of those, who strove to bring on the Operations of the Campaign, in order to put a Stop to the Negotiations of Peace.

In all which, *they say*, as Her Majesty acted nothing but what the Allies, in some Measure, drove Her to a Necessity of doing; so She acted nothing but what She was empowered, by the Laws of the Land, to do; acknowledging Her undoubted Right of making *Peace* and *War*; *they say*, it seems strange Her Servants should now be questioned for obeying the just Commands of their Sovereign.

They alledge also, that the Terms of the Peace being the Result of a long Convention at *Utrecht*, are not in the present Question; being such as were publick, and disputed by all the Confederates abroad, and agreed to by Her Majesty, and approved in Parliament by the whole Representative of *Great Britain*;
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which if it shall not be allowed to justify Her Majesty's Servants in their Share of the Transaction, then, *say they*, no Subject can ever be safe in the Administration of publick Affairs; adding only this, that if any Corruption, any unlawful Correspondences, any Attachment to the Interest of the Enemy, can be alledged against them, they are willing and ready to answer the same, *as the Laws require*; at the same Time *complaining*, that they ought not to be arraigned by Pamphlets, and popular, injurious Treatment, such as is inconsistent with the Justice due to all indifferent Proceedings; neither ought the People to be artfully prepossess'd, who, perhaps in Case of Trial, may be made the Judges of their Defence, and pass upon them for Life or for Death; *they alledge*, that the Government are the legal Protectors of all Persons accused, from any unjust Violence, as the Judges are their Council, in Matters of Law; and that to suffer Persons to be outrageously assaulted by lewd and scurrilous Pamphlets, when they are supposed to be coming into the Hands of the Law, *they say*, is a most illegal and unjust Usage of them; seeing every Man

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is, in the Sense of the Law, a good Man, till something is legally prov'd to the contrary.

They complain of the Injustice of charging the Queen with acting contrary to the Grand Alliance, and Her repeated Promises from the Throne, in sending to, or receiving Managers from *France*, to treat separately of a Peace, without the Knowledge or Consent of Her Allies: — Words of Scandal, maliciously framed by a Party of People, who falsely call themselves, *The Citizens of London*; and published in a Paper, entitled, *Instructions by the Citizens of London to their Representatives, &c.* with Design to reproach the Memory of the Queen, and blacken those they are preparing to destroy.

They say, THAT Her Majesty never sent to *France* for Managers, &c. that it is dishonourable and unjust to the Queen's Memory to suggest such things; unless Evidence thereof was offered to prove it; THAT it has been lawful in all War, and in all Ages and Nations, to receive any Overtures of Peace from any Enemy whatsoever; and it would be an unchristian, unnatural War, if it was otherwise, *as is observed above*; THAT

THAT it never was the Design of Her Majesty, or was She advised, much less prevailed with by any of Her Servants, to *receive Managers from France, to treat separately, &c.* neither was any separate Treaty carry'd on, till the Treaty for a Cessation of Arms in the Field, to which Her Majesty was compelled by the Opposition, and, as She conceived, unfair Treatment which She met with from some Allies, in the Prosecution of the Treaty of *Utrecht*; wherein Her Majesty believed a manifest Design was set on Foot, to oblige Her to carry on the War whether She would or not; in which Cessation nevertheless, no exposing Her Allies, no laying them open to the *French, &c.* as is pretended, could have been reasonably charged on Her Majesty, for Her Ministers, though the other Troops in Her Majesty's Service had obey'd Her Orders; seeing the Duke of *Ormond* had Instructions for a defensive Conjunction, if the Enemy had attack'd the Allies, contrary to the said Conjunction; and the evil Consequences which follow'd, *they say*, were occasioned by the Temerity and Unskillfulness of the Confederate Generals; and their Obstinacy, in carrying on their Schemes,

contrary to Reason, and Martial Experience; and against a General, to whom, it seems, they were not equal in the Art of War; they say farther, THAT it is a false Suggestion to say, that, by the Grand Alliance, no Overtures were to be received, but what were made to all the Confederates at once; that if that were so, then, *they say*, was the Grand Alliance broken by the *Dutch* long before, who, as they have been informed, received Overtures from Monsieur *Pettecum*, Minister of *Holstein*; and with whom Monsieur *Mefnager* himself continued *incognito*, several Months before those Overtures were communicated to the Allies; and that it may be remembered, that the Allies took Umbrage thereat; so that the *States* were oblig'd to publish, as Her Majesty did in the like Case, that they had not entred, nor would enter into any Negotiation of Peace without the Allies; after which followed the Treaty of *Ghertrudenburg*, which none of the Allies scrupled to enter into; although the first Overtures thereof were not made in general to all the Allies separately, but to the *Dutch* particularly, in order to be communicated to the rest of the Allies; as was pre-

precisely the Case, in the Overtures made to Her Majesty before the Treaty of *Utrecht*.

For confirming what they say, as above, they refer to the Words of the Grand Alliance it self, which are as follow, viz. “ *It shall not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and with the common Advice of the other Parties.*” This, they say, is all that the Grand Alliance binds the Crown of *Great Britain* to, in the Affair of a Treaty; and that here is no mention, that it shall not be lawful to the Queen of *Great Britain* to hear, or receive Proposals of Peace from the Enemy, in order to communicate them to Her Allies; and that it would have been absurd, and without Example, to have put such a Clause into the said Treaty.

Much less is it true, as is published in another injurious Libel * against them, that, by the Grand Alliance, no Proposals or Overtures of Peace ought to have been received, but what were made to all the Confederates; no such

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* Letter to Tho. Burnett, *Esq*;

Article, or any thing relating thereto, being to be found in the Grand Alliance it self; and as they conceive such a Provision would have been useless, seeing the Overtures for a Treaty being made to any one Branch of the Confederacy, in order to be communicated to all the Allies, is effectually making *Overtures* to all the Allies.

Likewise *they say*, That Her Majesty received these *Overtures* from *France*, in no other Manner, *the Difference of Dignity excepted*, than as Ministers of State receive Offers relating to things not mentioned in their Instructions for Treating, *ad referendum*, to be communicated to the Allies, and their Answer to be returned; which is so far from being an Entering into a separate Negotiation, that nothing could be more surprizing to Her Majesty, than the Construction which She found put upon it; or more disobliging, than the reproachful Representations which were made of it, as well abroad as at home; which was Part of the Reason of those just Resentments, *such Her Majesty and Her Privy Council thought them to be at that Time*, of the Conduct of the Imperial Court, and of their Minister resident,

sident, which are now mentioned to be Criminal.

They deny receiving these Proposals of *France*, in order to a *separate Treaty*; or that there was any *separate Treaty* carry'd on with *France* by them, before or after the said *Overtures* were made, till other Incidents made Her Majesty think it needful to do it avowedly and openly; as in the Case of the Cessation of Arms, and withdrawing Her Troops from the Confederates; which Her Majesty found Her self obliged to do, having been impos'd upon in an unreasonable Manner; as is expressed more fully in the several Declarations of the Reasons thereof, made, by Her Majesty's Orders, to the Plenipotentiaries of the States, and of the other Allies concerned at *Utrecht*.

They say, It is an Evidence of the Injustice with which they are treated, that such things are named to be in the Conventions and Treaties of Alliance, between Her Majesty and Her Allies, which are not really to be found there; neither are they, *Bona Fide*, supposed to be inferred from, or contained in the true Intent and Meaning of those Conventions; but are publickly and falsly
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said to be there, to impose upon the People, in order to raise seditious and tumultuous Clamours against them; thereby to justify the Designs of those, who publicly and shamefully own, they seek the Blood of innocent Men; at the same Time they take Notice, that, in several Conventions and Treaties between Her Majesty and Her Allies, for carrying on the War, the Quota's and Proportions of Ships, Troops, Subsidies, Sums of Money, &c. to be contributed by each Ally, are expressly stipulated, and were always exactly comply'd with, on Her Majesty's Part; but, on the contrary, several of Her Allies, and some of those who carry the Complaint of ending the War highest, were far from contributing their said Quota's and Proportions thereto, which, by the said Conventions and Agreements, they were oblig'd to do; imposing upon Her Majesty, or at least bringing Her Majesty to a Necessity of supplying the Deficiency of the said Neglect; or to let the War be carried on in a Manner which could not consist with Her known Zeal for the common Cause, or the true Interest of the Confederacy.

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They say, That not only the Replies published to the Representations of those Matters, made here by the House of Commons, do plainly acknowledge, that the States of *Holland* did not furnish their Number of Ships, &c. but the publick Accounts of the Kingdom will shew, where the *British* Nation paid immense Sums for the extraordinary Expences of the War, which the Allies ought to have paid their Proportion of; or, at least, to have paid such like Sums; which would, if paid, have made the said Service more effectual; which said Payments, in Part, occasioned that great Debt; for Payment whereof the Fund of the *South Sea Company* was erected by Parliament.

They refer, for the Particulars of the Inequalities put upon them by their Allies, to the Representation of the House of Commons of *Great Britain*, made to Her Majesty; wherein the same is at large specified, only subjoining, that it is too well known to be contradicted, that when Her Majesty, in the Time of the Earl of *G——n's* Ministry, made frequent Complaints of the said Deficiency of Her Allies, and pressed them to make good their

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Treaties, She receiv'd Answers to this Effect; *That they were heavily pressed by the War; that they were reduced to such Exigencies, as permitted them not to exert themselves farther; and that, if their Allies insisted upon it, they must bring the War to a Conclusion, and make Peace on the best Terms for themselves that they could obtain:* This *they* appeal to several noble Lords, concern'd in the Administration of that Time, for the Proof of; and this, if true, *they say*, they think justifies Her Majesty in Her Resolutions taken at that Time, to expect the full Quota's of Her Allies, in every Occasion of the War; seeing it was reasonable that, if the *Allies* expected the Performance of the Grand Alliance on the Part of Her Majesty, in carrying on the War; Her Majesty likewise should expect the Performance of the particular Conventions, made in Consequence of the said Grand Alliance; whereby each Power was engaged to, and with the other, for their respective Quota's of Ships, Troops, Subsidies, &c. the Breach whereof, and more especially the insisting upon those their deficient Performances and Payments, as being really no Infractions of the said Conventions

ventions and Agreements, had been a sufficient Argument to justify Her Majesty, if She had thought fit, *as it is evident the Queen did not*, to declare Her self disengag'd from the Alliance, and at Liberty to treat with *France* by Her self.

But *they say*, That as Her Majesty was always zealously attach'd to the Interest of the Allies, and had not taken the Advantage which their not performing their Conditions gave Her just Reason to do; so neither at last, although it was Her earnest Desire to put an End to the War, and for that End She did earnestly press them to a Treaty; yet Her Majesty continued to act in an Union of Measures with all the said Allies, until it was evident to all the World, that they had entred into separate Measures, and some of them with Her own Subjects, inconsistent with the just Desire of putting an End to the Miseries of *Europe*, which Her Majesty acknowledged to be moved by; and appear'd not only resolv'd to push on the War against all the Remonstrances to the contrary, made by Her Royal Commands; but to oblige Her Majesty, on Pretence of

the said Alliance, to do so likewise; whereupon Her Majesty thought fit to shew Her self so far resolv'd in Her said just Desires of an Honourable Peace, as to agree to a Cessation of Arms with *France*, upon such advantageous Conditions nevertheless, *viz.* the Surrender of *Dunkirk*, &c. as the Confederates could not contend, were equal to the most glorious Campaign of the War.

These Things, *they say*, together with much more which *they might bring*, if need were, *they think* sufficiently prove, that the Queen entred into no Measures which were inconsistent with the Grand Alliance, when Her Majesty received *Overtures of Peace* from *France*; but that, on the contrary, it was lawful for Her Majesty, or any other of the Allies, to have received the same *Overtures*, and to have transmitted them to the Allies, in the same Manner as was done on Her Majesty's Part; and as to what follow'd, they give the Reasons above, as the Ground of Her Majesty's Proceeding in that Manner.

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They say, that to expose the Weakness and Folly of their Enemies effectually, they need do no more than to recite an Article in the pretended *Instructions of the Citizens of London to their Representatives*, printed in the *Flying Post*, Feb. 17. wherein are these foolish Words ; — “ By whose Advice the “ *Whig* Ministry and Parliament, and “ the Duke of *Marlborough*, were turned off ; contrary to the Assurances “ which Her Majesty had given to “ Her Allies, as well as to the Directors of the Bank of *England*, &c.” signifying, that the Allies had concerned themselves in Her Majesty’s domestic Affairs ; and had taken upon them to interpose in the continuing, or removing, Her Parliament and Servants : An Experiment of such dangerous Consequence, that, had Her Majesty admitted it, they leave it to common Judgment, what might have been the Issue ; and they think Her Servants would have been justly liable to Censure, who would have ventur’d to have advis’d giving up the Honour and Prerogative of their Sovereign to a Foreign Nation ; and they leave it likewise to common Judgment, what

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His Majesty would say, if any Foreign Power or Potentate should offer to interpose in his establishing the Administration of Affairs ; or offer to direct Him who he should employ, or not employ in his Service.

They say, it would be reasonable to desire those *Citizens*, as they call themselves, to give the World an Account, to which of the Allies Her Majesty engaged, or gave Assurances, That She would not turn off the *Whig* Ministry, the Parliament, and the Duke of *Marlborough*? And whether, if Her Majesty had done so, it had not been to make those Allies Regents of *Great Britain* ; and the *Whig* Ministry, Parliament, &c. independent of the Queen ; and consequently Her Superiours, rather than Her Subjects?

Likewise *they say*, That if Her Majesty did not give any such Assurances, then, as it is evident, nothing was done in changing Her Servants, or dissolving Her Parliament, but what, by the Constitution, Her Majesty had a legal Right to do; none of Her Servants can be made accountable for concurring with Her Majesty's Pleasure therein ; neither then can it be said, that

that the Parliament was dissolv'd, or the *Whig* Ministry turn'd off, contrary to Assurances given to the Allies by Her Majesty; and Her Majesty did continue the D. of *M———b* in the Command of Her Armies, a considerable Time after the said Foreign Application, though under no Obligation to the Allies to do so; nor was he dismiss'd till other Circumstances in Her Affairs obliged Her to make Alterations in the military, as well as civil Dispositions.

They say, That **whereas** the Directors of the Bank at that Time, took the Freedom to act in an unprecedented Manner, which Her Majesty, in Her Royal Goodness, was pleased to pass over; yet it is believ'd that, in after Ages, it will scarce be found, as it never was in former, that Subjects shall treat a just Sovereign in such a rude Manner, and receive no other Reproof, nor be made sensible of the Insolence of assuming to themselves the Office of Counsellors to their Prince, without any Licence or Authority for the same.

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They likewise say, That it is unjust to say, that the *dismal Consequences* of the Campaign, after Her Majesty had agreed to a Cessation of Arms, was occasioned by the *British* Troops withdrawing from the Army ; but they give it as their Opinion, leaving it to others to judge, whether they are in the Right, *Yea* or *No* ; that the Allies having supply'd their Army with a Number of Troops, at least equal, if not superiour to the *British*, believed themselves as much superiour in the Field to the Enemy as they were before, despis'd and rejected a Cessation, and continued to act offensively, *viz.* to offer the Enemy Battle, and to besiege *Quesnoy*, which they did take in the Sight of the *French* Army ; that they believed themselves secure from any Danger of the Superiority of the *French* ; and it was boasted for them in the publick Prints, that *they*, the Allies, were stronger in the Field, after the *British* Troops were gone, than when they were with them, and more unanimous ; that the *French* would be beaten, and the Queen should lose the Honour of having assisted therein : That upon this extravagant

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Belief they continued to be puffed up with the same Contempt of the Enemy, which so often had caused them to slip the Occasions of an Honourable Peace, and so many Years to boast of being at the Gates of *Paris*, in one Campaign more; which Contempt of the Enemy led them to enter so far into their Country, not regarding the Strength they left behind them, as well on their Right Hand, as on their Left, that gave the Enemy, who they contemned, an Opportunity to cut off their Provisions, beat the Troops placed in an unsoldier-like Manner, to secure their Convoys; and to surprize their grand Magazine, which, with the same unexampled Security, was left in a defenceless Village, when the strong City of *Douay* was within two Hours of it, by Water or by Land; so that the *dismal Consequences of the Campaign* seem, *as they think*, to be owing to the Security and Temerity of the Allies, to say nothing of the just Hand of Heaven upon them, and not at all to Cessation of Arms, or the withdrawing of the *British* Troops; unless they will acknowledge, that if his Grace the Duke of *Ormond* had

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been in their Camp, he would not have fail'd to have convinc'd their Generals, of the unreasonable Hazard ; and have perswaded them to have attack'd *Maubege*, rather than *Landrecy* ; in which Case the Enemy would not have been able to have made any such Attempt ; nor would they have been expos'd to any Difficulties for their Convoys or Magazines.

These Things, they say, if weigh'd with equitable Thoughts, will serve to shew, on what groundless Pretences they suffer, under the Clamours of a Party ; how the People are impos'd upon in things of the highest Nature ; and with what Arts, and by what evident Falshood, the Charge against them in these things, as well as in others, is maintain'd ; they doubt not but, with thinking Men, it will be of Weight, to see how trifling, how foolish, and how false the Matters are, of which their Libels are likewise compos'd ; and for which they assume the Power of demanding, what they are pleas'd to call, Justice.

They say, That they think the Tables are turn'd in this Case ; and that it is the late Ministry who should demand
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Justice against so cruel and illegal Treatment; and that as they are willing to submit to the Law, and to be brought to the strictest Test of their Conduct; so those who have thus violently fallen upon them without Doors, are, *as they think*, within the Reach of the Law; for false Accusation, malicious Prosecution, and a proceeding, which, as Justice does not approve, so they hope the Government will not allow.

They say, That the Fury of their Enemies is come to such a Height, as the Government does not suffer, even to condemn'd Malefactors; that the Injury extends to the reproaching them with those very things, which even their now equitable Opposers approve of; and for which any Ministers of State would have expected the Thanks of their Country; as particularly, the Expedition to *Canada*; and the worthy Citizens of *London*, as they are pleased to call themselves, are dispos'd to instruct their Representatives, to enquire, *How the Expedition to Canada came to miscarry?* To which the Ministry might answer, by asking them; *How Sir Cloudesty Shovel came to be*

drowned? *Viz.* Because the Ship sunk that he was on Board of; or how three large Men of War were cast away on the *Goodwin*? *Viz.* Because a Storm of Wind drove them on the Sand; or how Sir *Francis Wheeler*, with five Ships, came to be drown'd in the Bay *Gibraltar*? *Viz.* By being embay'd on a Lee Shore, with a hard Gale of Wind; so the Squadron being taken with a hard Gale of Wind, in a Fog, a strong Current, and no Anchorage, though they had the best Pilots on Board, and good Ships, were driven upon the Rocks on a Lee Shore; and it is a Question much more rational to ask, how any of them escaped, than how the Voyage miscarried.

They say, It is their Opinion, that they might, with much Justice, answer, that this Expedition was defeated by the immediate Hand of Providence; and that Heaven fought against us in that, as it did in almost all the Attempts of Descents, &c. of which not one was undertaken during the whole War, but it miscarry'd, from that of *Camaret* to this of *Canada*; or that Heaven visibly turn'd the Scale of War in *Europe* in Favour of *France*, from the
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the Time that the Peace of *Ghertrudenburg* was wickedly rejected; having that very Year given the Confederates the fatal Blow at *Almanza*, and afterwards twice beaten them out of all *Spain* to the Gates of *Barcelona*; overthrown the *British* Fleet at *Canada*; and at last overthrown all the Measures and projected Conquests of the Allies at *Denain*; forced them to raise the Siege of *Landrecy*, though their Army was superiour; and taken *Douay*, in Spight of the Gasconades of *Pettit Count de Soissons*.

They say, That the quitting *Canada* to the *French* by the Peace, seeing it was never in the Power of the Queen to possess it; and the leaving *Cape Briton* to the *French*, upon Condition of their quitting all *Nova Scotia*, *Annapolis*, and all the Island of *Newfoundland*, except the Privilege of making use of that Part of it, which is of *no Use* to us, and of *little Use* to them; advantageous Exchanges to the *British* Commerce; and *they say*, that they are content it should be written on their Graves, that they settled the *British* Dominions, Trade, and Fishing, in those Parts, in such a Manner as is expressed in that Treaty:
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And that it was owing to them, that *France* will have every Year more than half the Number of Ships less in the Banking Trade than they had before; and *England* will have double the Number of Ships, than ever She employ'd in that Trade; besides that, they can now neither take the Fish so early, or cure it with so much Advantage as the *British*; having so much a greater Distance of Place to carry it to, after it is taken: All which are such evident Advantages to the *British* Trade, and Disadvantages to the *French*, that they think they discharged their Duty to their Country as became them, in settling it as it was; nor could more have been expected, unless they had been actually in Possession of *Canada*, *Cape Briton*, *Nova Scotia*, *Newfoundland*, and all the Colonies of *North America*; which, it is evident, they push'd fairly for; but hope no Ministry will pretend to account for those Disappointments, which it is not in humane Power to prevent.

They think, That it might with as much Justice be enquired, who advis'd the Queen to secure the Island of *Minorca*, and the best Harbour for the
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Royal Navy in the *Mediterranean*? Why Her Majesty kept *Gibraltar*? And who advis'd to have a Squadron of Men of War always kept in the *Streights*? as well to secure our Commerce, as to keep up the Honour and Terror of the *British* Naval Power, in those remote Parts of the World.

That they are ill treated likewise in the Disputes which are now set on Foot, concerning the *French* making a Harbour at *Mardyke*: They say, that the surrendring *Dunkirk* to be demolish'd, was procur'd by the Queen; that the most earnest Sollicitation of the *French* Court, to spare but one of the Sluices, for no other Use, than the carrying the Land Water off, and a necessary Dreining the Country; some Delays were used by the *French*, in Hopes of obtaining their Request; but that Her Majesty insisted upon the entire Demolition, and absolutely refused to spare the said Sluice; foreseeing what ill Construction would have been made here of such a Concession, by Men who put the worst Sense upon Her most just and reasonable Actions; that this alone put the *French* upon the Necessity of making some other Passage for the
said

said Land Water, is plain ; but if the *French*, under that Pretence, make any *Harbour, Fortification, Basin, Port,* or other Reception for Men of War ; as it will be a manifest Contravention of the Treaty, in the true Design, Intent, and Meaning thereof, it cannot be charged on the Ministry ; and it is not doubted but, in such Case, his present Majesty will be able to do himself Justice on the *French* ; and to those who object, that Provision was not made against it in the Treaty ; it is answer'd, that they should examine, whether it would not have been the same Thing, if the Treaty of *Ghertrudenburg* had taken Place ; and if any Provision had been made therein, that the *French* make no other Harbour near *Dunkirk*, or within any certain Distance thereof ; wherefore, they say, it cannot be justly said of them, that they *mocked the Kingdom with Assurances of being free from the Danger of Dunkirk* ; and that it is yet more unjust to suggest to them, that they did agree, that the *French* should make a new Harbour at *Mardyke* : They say, that in all the former Treaties, when the *Whig* Ministry ruled, it was thought
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sufficient, if the *French* King could be brought to consent to demolish the Harbour, as well as the Town of *Dunkirk*; not making any Provision against the opening another Harbour at *Mardyke*, or in any other Place. *They say*, it was impossible for the Ministry to know, what Methods the *French* King would take, for preserving the Commerce of his Subjects; and as they had no Imagination of its being practicable to make a new Harbour at *Mardyke*, any more than at *Diep*, *Havre*, or any other Place; it might have been expected, with as much Justice, that the Ministry should have forbidden the *French* King making any other Harbour, in any other Parts of his Kingdom; which the People who treated at *Ghertrudenburg* never thought of, any more than they; and which it was not to be expected he would have comply'd with, if they had.

They say, That they wonder with what Justice Men can charge them, with agreeing to give the *French* Leave to build another Harbour at *Mardyke*; *they say*, that it should seem these Men would have it believ'd, that the King of *France* had submitted lower in this

A Treaty,

Treaty, than ever they found him willing to submit in the former Treaties, which were had with him in the Ministry of the Allies; seeing they bring him with desiring the Queen of *Great Britain*, to give him *LEAVE* to build Fortifications, or to make Harbours in *such or such* Places or Parts of the Coast of his own Dominions; which, *they say*, ill agrees with the other Parts of the same Libels, wherein the late Ministry are charged with *Seeking, Begging*, nay, even with *Buying* a Peace from the *French*; which Contradictions, *they say*, are Evidences of the Malice, as well as of the Weakness, of their Enemies; and prove, that it is not so essential to them to maintain the Truth, or the Consistency of what they say, as it is to say something very Evil against the Queen, and Her Administration; in order to keep up the Ferment, which, by the like Practices, they have raised among the People; and by which alone they can expect to oppress and overthrow the Persons who they aim to destroy; and who, by just Methods, they find it impossible to hurt: *They say*, that if the *French* King had stipulated in the Treaty with Her late Majesty, that

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he should be at Liberty to make and fortify another Harbour within a League of *Dunkirk*, it might be ask'd them; why they agreed to it? But if no such Agreement was made, and the *French* King acts contrary to the true Intent and Meaning of the said Treaty; the Question returns; why do they suffer him now to do it? And why, if they do not like thereof, do they not send a Force to oppose it, and to cause the said Works to be likewise demolished?

They say likewise, That they are greatly injur'd, with respect to the Treaty of *Commerce*; that they have therein done nothing injurious to the Trade of *Great Britain*; that it is their Opinion, the Treaty, if made effectual, would have been very much for the Advantage of the *British* Commerce; but if not, they are not to be charged with any thing; seeing they made the Treaty in such a Manner, that, albeit they bound the *French* to the Performance, on their Side; they left it open, on the *British* Side, to take Effect, or not take Effect, as the *British* Parliament should determine; leaving it to the People of *Britain* to judge, what was

for their Advantage, and what was not ; so that the said Treaty is not able to do any Prejudice, unless the Parliament make it effectual : *They say*, that the late Ministry are not concerned in the Disputes on one Side or other ; that if the Parliament does not approve of the Treaty, it is void ; and if they do or shall, it may take Place when they please ; and they heartily wish, that if the Treaty which they concluded, be not for the Advantage of *Britain*, it may be set aside, as there is Room by their Articles to do ; and that some better Conditions may be proposed, by which that Trade may be carry'd on, more to the publick Advantage than it would have been by that Treaty ; which they very much fear, will not be found possible.

They say likewise of the Treaty of Commerce with *Spain*, That they believe the same to be calculated for the general Advantage of *Britain* ; in that the Duties in *Spain*, as well of Importation as Exportation, being formerly unsettled, and left to the private Treaties between the Merchants and the Farmers of the Customs, not only occasioned unreasonable Inequalities between

tween one Merchant and another ;
 but likewise gave Leave to the *Spaniards* to make Demands, at their
 Pleasure, of such Duties as would be
 equal to a Prohibition ; whereas by
 this Treaty, they had brought the
Spaniards to reduce all their Duties,
 as well upon Importation, as upon
 Land-Carriage from one Province to
 another, to one equal, ascertained
 Rate ; which, as they conceive, was a
 Damage to the *Spaniards*, and an Ad-
 vantage to the *British* ; and *they say*,
 they have heard, that the Court of
Madrid are very willing to make void
 that Part of the Treaty, and to
 stand upon the same Foot as they
 were before, whenever the *British* Go-
 vernment shall think fit ; and that
 they are very desirous to have it so,
 as what they yielded to with some
 Reluctance, at the Request of the
British Ministers, on Behalf of the
English Merchants. *They say*, that if
 the *French* continue to trade to the
Spanish West-Indies, which yet they do
 not believe, it cannot be laid at
 their Door ; seeing they made as much
 Provision against it in the Treaty,
 as was in their Power ; and if the

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Spaniards, or French, do not perform their Treaties; they doubt not, His Majesty will always be in a Condition to oblige them to it.

It is farther contained in the popular Charge upon the late Ministry, That *they were in the Interest of the Pretender*; that they had entred into Measures to overthrow the *Act of Settlement*, and prevent the Succession of the Royal Family of *Hanover*.

It would seem to reproach the Principles of any Man, in Matters of Government, if he should venture to say publickly, that he did not believe them guilty of this; so universally has it been received, and so positively is it affirmed; yet we must acknowledge, that no direct Proof, or Evidence thereof, appears; neither is any Testimony of Facts offer'd by any one, to our Knowledge, in this Case. This Discourse is not design'd to vindicate any one in this particular, or in any thing else; but to state the Case, as it stands, between the late Ministry, and the People of *Great Britain*; and to let the Readers see, what

what they say in their own Defence.

They say, The Case, as it stands between Parties, amounts to no more at present, than an Accusation without Doors; what it may be, is another Question. That *it is a Maxim in Equity*, that no Man ought to be publickly censur'd without Evidence; and it is a Maxim in Law, *That no Man ought to be condemned without a Trial*; both which Maxims are now destroy'd by these tumultuous Accusations: *They say*, they have no Recourse, but to declare their Innocence; and complain seriously of the Hardship they suffer, by being thus treated: **THEY SAY**, that they suffer the most unexampled Usage in this Matter; *that* they have never entertained the least Intelligence with the Pretender, or with any Person in his Behalf; *that* they never failed of their Duty, in doing every thing that was needful, and in their Power, to oppose and resist him; *that* if any thing was, at any Time, offered against his Interest, either in or out of Parliament, they always join'd with it, and came into all the Measures which

which were ever set on Foot against him.

That the Peace it self may testify this for them ; wherein they not only oblig'd the King of *France* to thrust him, the *Pretender*, out of his Kingdom ; but oblig'd him to engage, that he should never suffer him to return ; bringing the said *French* King to acknowledge the Succession of His present Majesty, in the strongest Manner possible ; and engaging him, under the most sacred Ties of Honour, never to give any Disturbance, directly or indirectly, to the said Protestant Succession ; or to aid, assist, encourage, or support any that should offer to disturb it.

They say, That they left nothing undone, which it was in their Power to do, to secure the *Hanover* Succession, by these Engagements ; as for their employing *Jacobites* in several Offices, &c. it is known, they could employ none who did not take the *Abjuration Oath* ; and as they complain now of the Hardship of being judg'd, and wrongfully censured ; so they thought it hard, to adjudge any Man to be a *Jacobite*, who, in all the most solemn

lemn Ways, and in such as the Law thought sufficient, had given Satisfaction, of their being in the Interest of the Protestant Succession: And if any were in that Interest, after such Assurances given, the Mischief of their abominable Perjury was their own; neither were the publick Affairs injured, or the Succession weakened thereby: *They say*, if it had been otherwise; yet that they did all that the Law required them to do; and they affirm, that several of the same Kind of *Jacobites*, as they are now called, were often, and all along, employed by the Ministry *before them*, and without any Danger to the Protestant Succession.

They farther say, That, as to *Jacobites*, let whosoever their Enemies please be called so; yet it does evidently appear, in the whole Course of their Administration, that what Use soever they might make of *them*, that yet, as *Jacobites*, they never did any thing for them; and their worst Enemies cannot bring any Proof, that they entred into any Measures for the Setting the Pretender on the

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Throne;

Throne ; or for overthrowing or defeating the *Hanover Succession*.

They say, That it is an unreasonable and unaccountable thing, that Men should condemn them as *Jacobites*, and as Enemies to the Succession ; whereas not one Word of Evidence has ever yet been offer'd to prove the Fact ; that it is very strange, that in an Affair of such a Nature, where a Negotiation requir'd many Hands, none should be found that could bear Witness of it, if true ; and it is no less strange, that such a Slander should be so carry'd on against them, when not a Man can be found to bear Witness of it.

They say, They are content before Hand to subscribe to it, that whoever has had the least Correspondence with the *Pretender*, or with any Person whatsoever in his Behalf, is guilty of Treason ; and they desire as heartily as they can do, that such may be detected, and punished in the most exemplary Manner.

They declare, That since the lamented Death of their late Sovereign, they have omitted nothing which became them, as dutiful and loyal Subjects,

jects, to shew their Zeal for his present Majesty's Service; and they esteem it their particular Misfortune, if they have not yet had the Success of satisfying His Majesty of their Sincerity; believing that God will, in his good Providence, yet encline His Majesty to think favourably of them; and will remove the Slanders of their Enemies, or move His Majesty to resent the Injury done thereby to his faithful Subjects; and to judge them according to that Goodness and Wisdom which he is so eminently bless'd with.

They say, They doubt not but that, in Time, the Absurdity as well as Malice of this Charge, *viz.* of their *being for the Pretender*, will appear; seeing they must be suppos'd to know very little either of the Constitution of this Protestant Kingdom, or of the Affection of the People, on one Hand, *to the Hanover Succession*; and of their general Aversion, on the other, *to the Pretender*; if they had ever imagined any Schemes for the altering the Succession were practicable here; and they must be worse than mad, if, alter so many Settlements of the Suc-

cession, and the consolidating them into one indissoluble Knot, by the Union of the Two Kingdoms, they were capable of receiving any Notions, or entertaining any Thought of attempting to put the *Pretender* upon this Nation; they are willing to hope, the World has a better Opinion of their Sences, than to believe, that they, whose Fortunes were never desperate, and whose Interest in the Administration was not small, as well as in the Favour of their Sovereign, were under any Temptation to play a desperate Game, fit for none that had any thing to hope for, or any thing to lose.

But waving all these circumstantial Parts of the Argument, they desire no Favour, *as they are told, they are to expect none*, if there can be the least Thing proved upon them, of being in the Interest of the *Pretender*.

All the rest of what is alledged, so entirely depends upon these Heads, that they seem to require no other Answer than what is contain'd in these: The Case of publick Treasure, which some would pretend to charge them with Embezzelling, *they say*, requires

quires no Answer, till first the Accounts are Audited in the *Exchequer*; and then if any thing appears to charge them with, they must answer to it in the ordinary Course: *They say*, the Affairs of the Treasury and Exchequer, are things, in a Method of Management, that no *Treasurer, Chancellor* of the *Exchequer, Teller*, or whatever Office he be, through whose Hands the publick Monies are pass'd, can misapply or embezzle the same, but it must be known, and may be detected, either by superiour or inferiour Officers; and they demand, where the Man is that charges them? And that, till such are found, they ought not to be reproach'd; neither ought any to suggest, that they have misapply'd the publick Money, till their Accounts being call'd for, it appears, that they are not ready.

They likewise say, That they have not run the Nation into Debt since the War, otherwise than the just Discharge of what was in Demand, and the necessary Annual Support of the Government required; and, for the Sake of their Country, they shall be glad to see other Ways and Means
found

found out than occur'd to them, for the Support of the Annual Charge of the Government; and that no farther Debts were to be contracted, or Taxes rais'd, for that Purpose; professing, that it was not in their Power, or not in their Knowledge, to do it by any other *Ways* and *Means*, than those which the last Parliament approv'd of.

These are some of the Answers, which, we are told, these Men give to the Charge which is brought against them without Doors; and to the Pamphlets written against them, as well by Squire *Barnett*, as others: I make no Observations thereon, having neither Room or Inclination to do it; those who like them not, may refute them, if they think they are able.

F I N I S.

